

FILED

JUL 10 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

Form 10. Bill of Costs (Rev. 1-1-05)

United States Court of Appeals for the Ninth Circuit

BILL OF COSTS

Note: If you wish to file a bill of costs, it MUST be submitted on this form and filed, with the clerk, with proof of service, within 14 days of the date of entry of judgment, and in accordance with Circuit Rule 39-1. A late bill of costs must be accompanied by a motion showing good cause. Please refer to FRAP 39, 28 U.S.C. § 1920, and Circuit Rule 39-1 when preparing your bill of costs.

Wayne Berry v. Mark Dillon, et al.

06-16199, 07-15447,
CA No. 07-15587, 07-15588

The Clerk is requested to tax the following costs against: Wayne Berry

Cost Taxable under FRAP 39, 28 U.S.C. § 1920, Circuit Rule 39-1	REQUESTED Each Column Must Be Completed				ALLOWED To Be Completed by the Clerk			
	No. of Docs.*	Pages per Doc.	Cost per Page **	TOTAL COST	No. of Docs.	Pages per Doc.	Cost per Page	TOTAL COST
Excerpt of Record								
Appellant's Brief								
Appellee's Brief	26	39	\$0.10	\$101.40				
Appellant's Reply Brief								
Other								
TOTAL				\$ 101.40	TOTAL \$ 101.40			

EXHIBIT "A"

Form 10. Bill of Costs - Continued

Other: Any other requests must be accompanied by a statement explaining why the item(s) should be taxed pursuant to Circuit Rule 39-1. Additional items without such supporting statements will not be considered.

Attorneys fees **cannot** be requested on this form.

* If more than 7 excerpts or 20 briefs are requested, a statement explaining the excess number must be submitted.

** Costs per page may not exceed .10 or actual cost, whichever is less. Circuit Rule 39-1.

I, Rex Y. Fujichaku, swear under penalty of perjury that the services for which costs are taxed were actually and necessarily performed, and that the requested costs were actually expended as listed.

Signature: [Signature]

Date: 7/22/08

Name of Counsel (printed or typed): Rex Y. Fujichaku

Attorney for: Guidance Software, Inc.

Date: 7/22/08

Costs are taxed in the amount of \$ 101.40

Clerk of Court

By: [Signature], Deputy Clerk

A TRUE COPY
MOLLY C. DWYER
Clerk of Court
ATTEST

JUL 22 2008

by: [Signature]

Deputy Clerk

CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2008, two (2) copies of the foregoing document were served by DHL Express, standard overnight delivery, first class mail, postage prepaid, or hand delivered as noted, on the following counsel of record to their last known addresses as follows:

TIMOTHY J. HOGAN, ESQ.
1050 Bishop Street, No. 433
Honolulu, Hawaii 96813
Attorney for Plaintiff-Appellant
WAYNE BERRY

U.S. MAIL

LYLE S. HOSODA, ESQ.
RAINA P.B. GUSHIKEN, ESQ.
Lyle Hosoda & Associates
345 Queen Street, Suite 804
Honolulu, Hawaii 96813

U.S. MAIL

Attorneys for Defendants-Appellees
MARK DILLON, BRIAN CHRISTENSEN, TERESA NOA,
MELVIN PONCE, ALFREDDA WAIOLAMA, JACQUELINE
RIO, JUSTIN FUKUMOTO and SONIA PURDY

LEX R. SMITH, ESQ.
Kobayashi Sugita & Goda
First Hawaiian Center
999 Bishop Street, Suite 2600
Honolulu, Hawaii 96813

U.S. MAIL

Attorneys for Defendants-Appellees
C&S WHOLESALE GROCERS, INC.;
C&S LOGISTICS OF HAWAII, LLC; C&S ACQUISITIONS,
LLC; ES3, LLC; and RICHARD COHEN

MICHAEL BAUMANN, ESQ.

U.S. MAIL

Kirkland & Ellis

777 South Figueroa Street

Los Angeles, California 90017

Attorneys for Defendants-Appellees/Cross-Appellants

FLEMING COMPANIES, INC. and the

POST-CONFIRMATION TRUST of Fleming Companies, Inc.

Dated: Honolulu, Hawaii, July 9, 2008.



MARGERY S. BRONSTER

REX Y. FUJICHAKU

Attorneys for Defendant-Appellee

GUIDANCE SOFTWARE, INC.